



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

September 30, 2010

Michigan State Senate
State Capitol
Lansing, MI 48909

Ladies and Gentlemen:

Today I have signed Enrolled Senate Bill 1153, the general appropriations bill for the Department of Corrections for the fiscal year ending September 30, 2011. I have, however, disapproved two items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

I am disappointed that the Legislature, once again, did not take action to examine and revise Michigan's sentencing guidelines. Instead of considering reasonable adjustments to lengthy sentences that would not diminish public safety, the Legislature chose an across-the-board reduction to each correctional facility line item without a plan to attain over \$42.1 million in cuts. Cuts of this nature and magnitude could jeopardize the safety and order of the correctional system putting staff, prisoners, and the public in harms way. The cuts included in the budget bill are very aggressive and will be difficult to achieve. I have empowered the department to attempt to find the savings, but not at the cost of public safety.

I have disapproved the following appropriations:

- The interdepartmental grant of \$500,000 made to the Legislature for the Auditor General and associated boilerplate Section 508. I object to using the Department of Corrections budget to fund this general fund item that is more appropriately funded directly within the target for the Legislature.
- Section 933 of the bill appropriates \$50,000 for inmate learning management pilot projects in a prison and a county jail. New spending for pilot projects of this nature cannot be supported while core programs are drastically reduced.

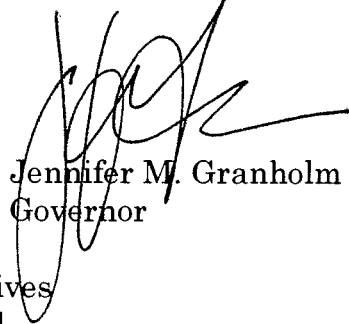
To provide direction regarding implementation of this appropriations act, I

note the following:

- Sections 434(2) and 927 of the bill purport to impose duties on the Superintendent of Public Instruction and the Department of Human Services, respectively, while the bill provides no appropriations for those departments. The duties purportedly imposed by these sections cannot then be valid conditions on appropriations, appear to be outside the scope of the title and object of the bill, and may violate Const 1963, art IV, §24.

I thank the Legislature for completing this budget.

Respectfully,



Jennifer M. Granholm
Governor

c: Michigan House of Representatives
The Honorable Terri Lynn Land

Sec. 434. (1) It is the intent of the legislature that the department, in coordination with the department of energy, labor, and economic growth, Michigan state housing development authority, and local government officials, implement employment-related projects targeted toward at-risk young adults who are disconnected from school and employment, and probationers and parolees in high-crime neighborhoods where the adult incarceration rate is at least 45%.

(2) The department shall identify high-crime neighborhoods where the adult incarceration rate is at least 45% and in coordination with the department of human services and the superintendent of public instruction shall develop programs for recommendation to the legislature that offer academic, counseling, and social support to children of incarcerated parents.

OPERATIONS AND SUPPORT ADMINISTRATION

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement who are available for return to institutional status and for prisoners who volunteer for placement in a county jail.

Sec. 502. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray costs of continuing education, certification, recertification, decertification, and training of local corrections officers, the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council under the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Sec. 503. Funds appropriated in part 1 for administrative hearings officers are appropriated as an interdepartmental grant to the department of energy, labor, and economic growth for the purpose of funding administrative hearings officers for adjudication of grievances pertaining to the department of corrections. The department shall not expend appropriations from part 1 to satisfy charges from the department of energy, labor, and economic growth for administrative hearings officers in excess of the amount expressly appropriated by this act for the administrative hearings officers unless funding is transferred into this line under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 504. Of the funds appropriated in part 1, \$50,000.00 is appropriated to provide an interdepartmental grant to the judiciary for use of the judicial data warehouse by department employees.

Sec. 505. (1) The department shall train all custody staff in effective and safe ways of handling prisoners with mental illness and referring prisoners to mental health treatment programs. Mental health awareness training shall be incorporated into the training of new custody staff.

(2) All staff having direct contact with prisoners and employed within correctional facilities shall attend at least 1 mental health awareness training session.

Sec. 507. Of the funds appropriated in part 1, \$1,000,000.00 is appropriated to provide an interdepartmental grant to the judiciary for operational expenses related to drug treatment courts.

~~Sec. 508. Of the funds appropriated in part 1, \$500,000.00 is appropriated to provide an interdepartmental grant to the legislative auditor general for oversight activities pertaining to the department of corrections.~~ *DM*

Sec. 509. Of the funds appropriated in part 1, \$250,000.00 is appropriated to provide an interdepartmental grant to the legislative corrections ombudsman for oversight activities.

FIELD OPERATIONS ADMINISTRATION

Sec. 601. (1) From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies, and the state budget office by March 1, 2011.

(2) It is the intent of the legislature that the department maintain a number of field agents sufficient to meet supervision and workload standards.

Sec. 924. The department shall evaluate all prisoners at intake for substance abuse disorders, developmental disorders, serious mental illness, and other mental health disorders. Prisoners with serious mental illness shall not be confined in administrative segregation due to serious mental illness. Under the supervision of a mental health professional, a prisoner with serious mental illness may be secluded in a therapeutic environment for the safety of the prisoner or others. A prisoner in therapeutic seclusion shall be evaluated every 12 hours by a mental health professional in order to remain in therapeutic seclusion.

Sec. 925. By March 1, 2011, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the annual number of prisoners in administrative segregation between October 1, 2003 and September 30, 2010, and the annual number of prisoners in administrative segregation between October 1, 2003 and September 30, 2010 who at any time during the current or prior prison term were diagnosed with serious mental illness or have a developmental disorder and the number of days each of the prisoners with serious mental illness or a developmental disorder have been confined to administrative segregation.

Sec. 927. The department of corrections and the department of human services shall enter into an intergovernmental agreement to place offenders less than 19 years of age who are committed to the department of corrections in underutilized units of the Maxey/Woodland center correctional facility. The facilities shall be used to house offenders less than 19 years of age who are currently committed to the department of corrections.

Sec. 928. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

Sec. 929. From the funds appropriated in part 1, the department shall do all of the following:

(a) Ensure that any inmate care and control staff in contact with prisoners less than 19 years of age are adequately trained with regard to the developmental and mental health needs of prisoners less than 19 years of age. By April 1, 2011, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the training curriculum used and the number and types of staff receiving training under such curriculum since October 2009.

(b) Provide appropriate placement for prisoners less than 19 years of age who have serious mental illness, serious emotional disturbance, or a developmental disorder and need to be housed separately from the general population. Prisoners less than 19 years of age who have serious mental illness, serious emotional disturbance, or a developmental disorder shall not be placed in administrative segregation due to serious mental illness or serious emotional disturbance. Under the supervision of a mental health professional, a prisoner less than 19 years of age with serious mental illness or serious emotional disturbance may be secluded in a therapeutic environment for the safety of the prisoner or others. A prisoner in therapeutic seclusion shall be evaluated every 12 hours by a mental health professional in order to remain in therapeutic seclusion.

(c) Implement a specialized re-entry program that recognizes the needs of prisoners less than 19 years old for supervised re-entry.

Sec. 930. The department shall not have a shooting range located on property east of 3760 Foco Road, Standish, Michigan.

Sec. 932. From the funds appropriated in part 1 for psychiatric services, \$100,000.00 is appropriated to permit the department to contract with a board-certified child and adolescent psychiatrist to provide psychiatric services to individuals who are less than 19 years of age and are incarcerated in a department facility.

~~Sec. 933. From the funds appropriated in part 1, \$50,000.00 shall be utilized to create 2 pilot programs for a secure, scalable inmate learning management tool that enables inmates to improve job skill training and work toward achieving their GED, with the goal of reducing recidivism in concert with the council of state governments report. The pilots shall be designed to manage, track, and quantify all of the training, continuing education, development, and certification among other learning opportunities. The program shall include a wide variety of course work, including job search preparation and specialized programs to help inmates identify their current skills in relation to the job market. The pilots are to be housed on a single secure server, which cannot access the Internet, and are to be for use in 1 state prison and 1 county jail.~~

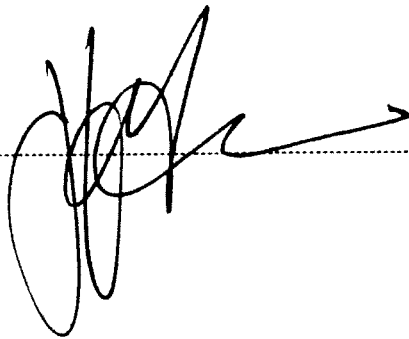
Sec. 934. From the funds appropriated in part 1 for prison industries operations, the department shall establish a pilot program for the manufacturing of textiles and clothing in at least 1 state correctional facility.

This act is ordered to take immediate effect.

Carl Mary Vinton
Secretary of the Senate

Richard J. Brown
Clerk of the House of Representatives

Approved 9/30/10 2:15 p.m.



Governor